

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID HAIGLER,

Plaintiff,

Case No. 1:12-cv-1075

v

HON. JANET T. NEFF

GRAND CANYON EDUCATION,
INC., et al.,

Defendants.

OPINION AND ORDER

Plaintiff David Haigler, proceeding *pro se* and *in forma pauperis*, initiated the present action, alleging a variety of tort and contract claims stemming from his employment and termination by Defendant Grand Canyon Education, Inc. Defendants filed several pre-answer motions, including motions to dismiss for improper venue. On April 9, 2013, the Magistrate Judge issued a Report and Recommendation (R&R), recommending that this Court transfer this case to the United States District Court for the District of Arizona, Phoenix Division, pursuant to 28 U.S.C. § 1406(a) (Dkt 57). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (Dkt 59), to which Defendants Grand Canyon Education, Inc. and Grand Canyon University, Inc. filed a Response (Dkt 60), as did Defendant Church of Jesus Christ of Latter-Day Saints (Dkt 61). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections, declines to decide the remaining pending motions in this case, and issues this Opinion and Order.

The Magistrate Judge determined that Plaintiff's claim originated in Arizona, against Arizona defendants, concerning events that allegedly occurred in Arizona (R&R, Dkt 57 at 4). The Magistrate Judge acknowledged Plaintiff's argument that certain subsequent events occurred in this District but determined that such were only "tangentially related to Plaintiff's claims" (*id.*). The Magistrate Judge concluded that the substantial events giving rise to this action occurred in the District of Arizona and, more importantly, no substantial events giving rise to this action occurred in this District; therefore, she concluded that venue in this District is improper under 28 U.S.C. § 1391(b)(2).

In his objections, Plaintiff asserts no legal error in the Magistrate Judge's analysis. Rather, Plaintiff takes issue with the Magistrate Judge's factual assessment, characterizing the assessment as "biased," "incorrect" and "unfair." Plaintiff opines that the bias "resonates throughout [] the Report and Recommendation," and that the Magistrate Judge "unfairly leaves out factual allegations" (Objs., Dkt 59 at 4-5). According to Plaintiff, "the Court's proper consideration and the defining of all events in an accurate manner would alter the ruling on the Michigan events as being significantly material instead of tangentially related and affirm proper venue" (*id.* at 9).

The Court discerns none of the bias to which Plaintiff objects. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) ("judicial rulings alone almost never constitute a valid basis for a bias or partiality motion"). Further, after careful consideration of his Objections, the Court determines that Plaintiff has revealed no error in the Magistrate Judge's application of the law to the facts of his case, only Plaintiff's disagreement with the Magistrate Judge's assessment and ultimate recommendation. Therefore, Plaintiff's objections are denied, and the Magistrate Judge's Report and Recommendation is approved and adopted as the Opinion of the Court. Further, the Court declines to decide the remaining motions pending in this case.

Accordingly:

IT IS HEREBY ORDERED that the Objections (Dkt 59) are DENIED and the Report and Recommendation (Dkt 57) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that this matter is TRANSFERRED to the United States District Court for the District of Arizona, Phoenix Division, and the action in this District is TERMINATED.

Dated: June 19, 2013

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge